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ABSTRACT

The status of state maternity/parental leave laws throughout the United States is depicted in eight figures and three tables. Information is reported by state for maternity/parental leave laws, months of available leave, maternity/family illness laws, days of leave for family illness, temporary disability insurance laws, temporary disability insurance laws by jurisdiction and by work force coverage, and percentage of states and percentage of work force covered by leave laws. Some of the trends reported are the following: (1) 30 states and Puerto Rico have some form of maternity and/or parental leave laws; (2) five states and Puerto Rico have temporary disability insurance laws that provide partial wage replacements for nonwork-related disabilities including childbirth and pregnancy-related conditions; (3) approximately two-thirds of the states specify a condition of reinstatement upon return to work, which usually means that the employee is entitled to the same or a similar job; (4) of the 31 jurisdictions that have some form of maternity or parental leave laws, 12 apply only to state employees, and leaves vary from 6 weeks to 1 year; and (5) 14 states allow leave to care for a family illness, varying from 5 days to 24 weeks. (KC)

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Facts on Working Women

U.S. Department of Labor
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STATE MATERNITY/PARENTAL LEAVE LAWS

One of the most significant labor trends in the country has been the increase in the number of working mothers. By the year 2000, women will account for nearly half of the work force. As more women enter the labor force the need for maternity and parental leave for the birth or adoption of a child is increasing. In this new work environment, more men are taking on additional family responsibilities. Men are no longer immune to the problems associated with combining work and family life. Recognition of family responsibilities of workers has prompted family leave policies in the private sector, and in collective bargaining agreements and State legislation.

State family leave laws vary widely. Thirty States and Puerto Rico have some form of maternity and/or parental leave laws. Some States have maternity disability laws for mothers to recover after childbirth. Others have maternity leave laws for mothers during pregnancy, childbirth, and for the care of a newborn or newly adopted child. Still others have parental leave for mothers and fathers to care for the newborn or newly adopted child. And there are some that provide leave to care for the illness of a child, spouse, parent or the employee himself or herself. Five States and Puerto Rico have temporary disability insurance (TDI) laws that provide partial salary replacements for nonwork related disabilities and these disabilities include childbirth and pregnancy related conditions.

The following definitions will be used in this discussion:

o **maternity disability leave** - only the time when the mother is disabled as a result of pregnancy and childbirth;

o **maternity leave** - the time when the mother is on leave for disability as a result of pregnancy, childbirth, or for the care of the newborn or newly adopted child;

o **parental leave** - the time when the mother or father is on leave to care for the newborn or newly adopted child;

o **adoption leave** - the time when the mother or father of a newly adopted child is on leave to care for the child;

o **family illness** - the time when a person is on leave to care for a sick child, spouse, parent, or the employee himself or herself; and

o **temporary disability insurance** - partial wage replacement for the time when an individual has a nonwork-related disability; includes maternity and pregnancy related conditions on same basis as other disabilities.

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TABLE 1
State Maternity/Parental Leave Laws

State	Type	Pub/Priv	Duration
Arizona	MD **	state	12 weeks
California*	MD	all	4 months
California	P **	state	1 year
Colorado	MD	all	reasonable period
Colorado	A	all	same as biological
Connecticut	P **	state****	24 weeks
Connecticut (7/1/90)	P **	private****	12 weeks
Delaware	A	state	6 weeks
Florida	MD	state	6 months
Hawaii*	MD	all	reasonable period
Illinois	P **	state****	1 year
Iowa	MD	all	8 weeks
Kansas	MD	all	reasonable period
Kentucky	A	all	6 weeks
Louisiana	MD	all	4 months
Maine	P **	all****	8 weeks
Maryland	P **	state****	12 weeks
Massachusetts	M **	all	8 weeks
Minnesota	P **	all	6 weeks
Missouri	A	state	same as biological
Montana	MD	all	reasonable period
New Jersey*	P **	all****	12 weeks
New York*	A	all	same as biological
North Dakota	P **	state****	4 months
Oklahoma	P **	state****	not specified
Oregon	P **	all	12 weeks
Pennsylvania	P **	state****	6 months
Pennsylvania	A	private	same as biological
Puerto Rico*	M	all	8 weeks ***
Rhode Island*	P **	all****	13 weeks
Tennessee	M	all	4 months
Vermont	M	all	12 weeks
Washington	P **	all****	12 weeks
West Virginia	P **	state****	12 weeks
Wisconsin	P **	all****	6 weeks

Type Codes: A, adoption; M, maternity; MD, maternity disability; P, parental

* *States offering "temporary disability insurance" with partial salary replacements.*
** *Adoption included.*
*** *Partial payment for leave prior to and after child's arrival.*
**** *Includes Family Illness (see Table 2).*

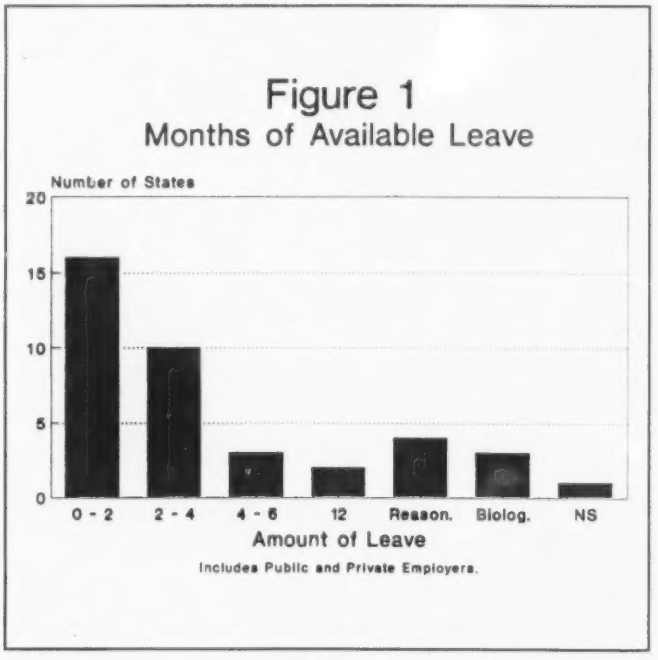
Table 1 shows the types of law in the various States, whether these laws cover State and/or public employees, and the duration of the leave. This table also indicates whether adoption is included in the law, whether family illness is included and whether there is insurance for wage replacement.

The types of laws in Table 1 are defined as adoption leave, maternity leave, maternity disability leave and parental leave. All of these leaves are unpaid except in Puerto Rico which has a partial wage replacement for eight weeks in addition to their temporary disability insurance which allows for paid leave for the number of weeks the mother is actually disabled from childbirth or pregnancy.

The number of employees a private sector employer must have to be covered under the maternity and parental leave laws in Table 1, varies considerably. One law requires as many as 250 employees and some, as few as one. State employee laws by definition cover all State employees.

Approximately two-thirds of the States specify a condition of reinstatement upon return to work, which is usually that the employee is entitled to the same or a similar job. Some States do not specify any reinstatement conditions.

Of the 31 jurisdictions that have some form of maternity or parental leave laws, 12 apply only to State employees and are represented in Figure 1. The duration of the leave varies from six weeks to 1 year. In some cases the States allow for a "reasonable period" of leave,



Reason. - A reasonable amount of time
Biolog. - The same as for biological parents
NS - Not specified

or for the period of disability only, or for the same period of time that a biological parent is offered leave in the case of adoption. In some States the amount of leave is not specified. Figure 2 shows the distribution of the various kinds of laws.

Figure 2
State Maternity and Parental Leave Laws

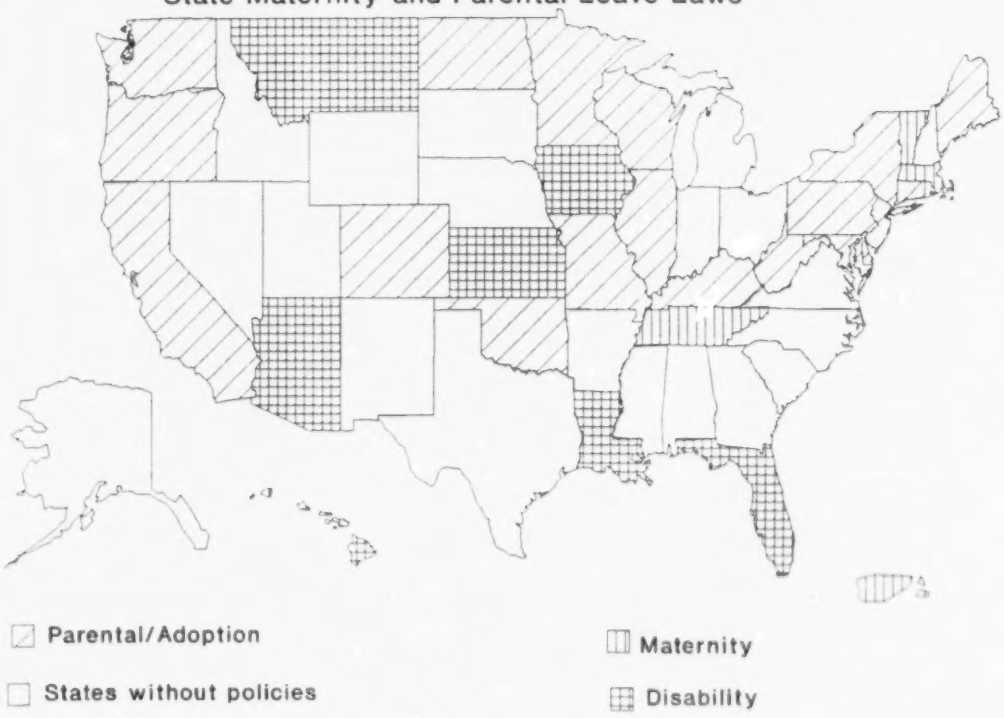
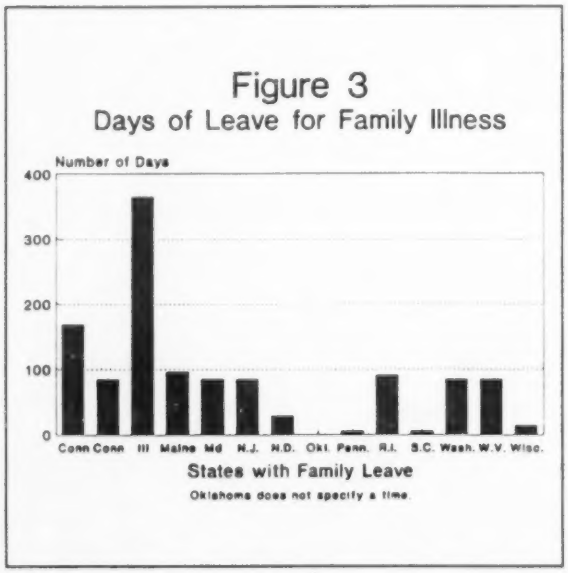


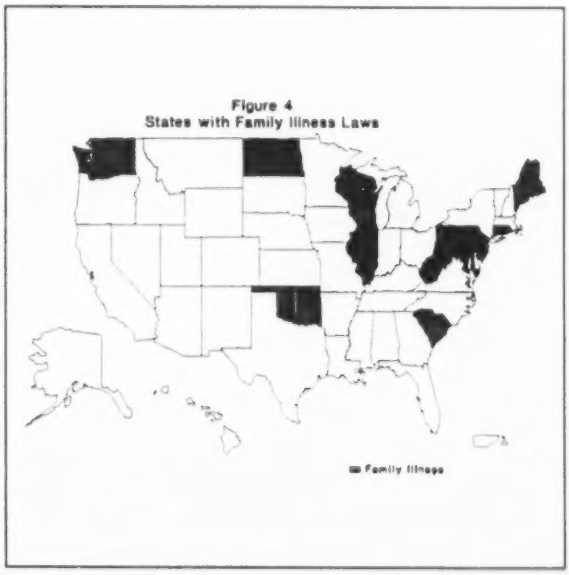
TABLE 2
State Maternity/Parental Family Illness Laws

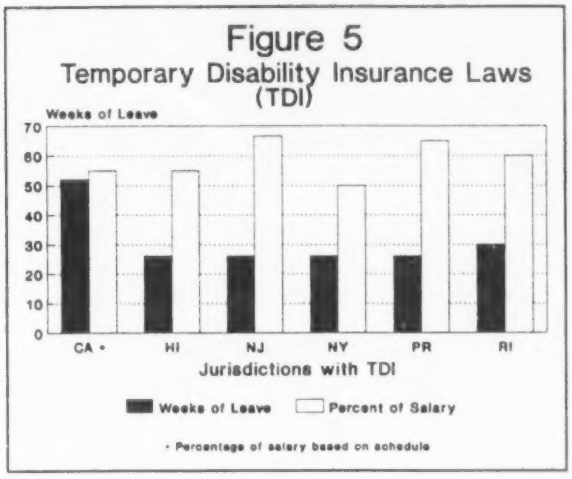
State	Pub/Priv.	Family Illness
Connecticut	state	24 weeks for illness of child, spouse, parent*
Connecticut	private	12 weeks for illness of child, spouse, parent*
Illinois	state	1 year for illness or serious family dilemma
Maine	all	8 weeks for illness of child, parent, spouse*
Maryland	state	12 weeks for illness of child, spouse, parent or legal dependent
New Jersey	all	12 weeks for illness of child, parent, spouse
North Dakota	state	4 months for illness of child, spouse, parent
Oklahoma	state	for illness of a child or dependent adult
Pennsylvania	state	5 days for illness of child, spouse, parent
Rhode Island	all	13 weeks for illness of child
South Carolina	state	5 days for illness of members of immediate family
Washington	all	12 weeks for illness of child
West Virginia	state	12 weeks for illness of son, daughter, spouse, parent or dependent
Wisconsin	all	2 weeks for illness of child, spouse, parent*

* *These laws also allow for leave for illness of employee.*

Table 2 shows the States that have leave to care for an ill child, spouse, or parent. With the exception of South Carolina, these family illness leave laws are a part of the maternity or parental leave laws. This leave varies from 5 days to 24 weeks and in one State the duration of leave available is not specified (see Figure 3). Figure 4 highlights where in the country these States are located.







Insurance for temporary disability (TDI) is provided by the laws of five States and Puerto Rico (shown with shading in Table I). Initiated in the 1940's, TDI laws provide partial protection from wage loss due to disabilities not caused by the job as a counterpart to the protections of workers compensation (for work-related injury or illness) and unemployment insurance. The earliest TDI laws excluded coverage of pregnancy. Now these States pay partial salaries to workers during the actual period of disability caused by pregnancy or childbirth on the same basis as for other disabilities not due to job-related accident or illness. However, these laws do not provide for reinstatement to a previous job. The percentage of salary paid to these workers varies from 50 to 66-2/3 percent, and the duration of disability pay varies from 26 weeks to 52 weeks (Figure 5). Figure 6 relates the six jurisdictions with TDI laws to the actual work force, showing that about a quarter of the nation's workers have this coverage.

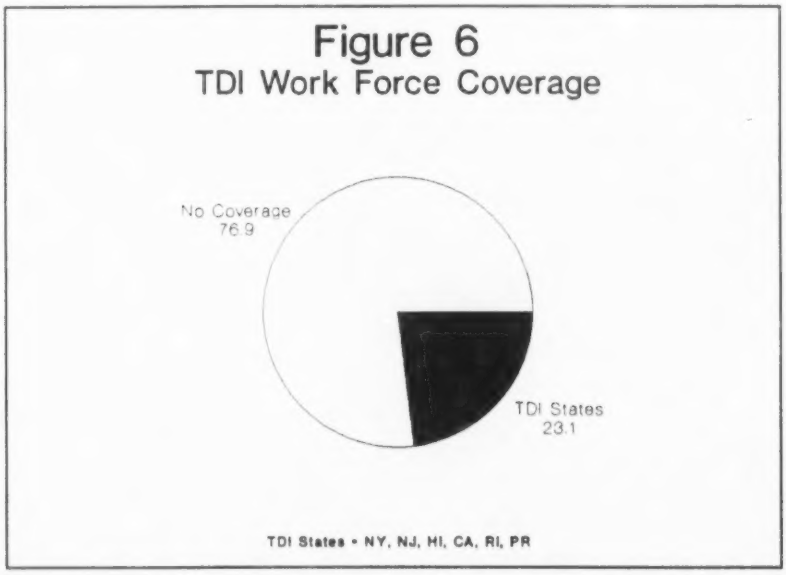


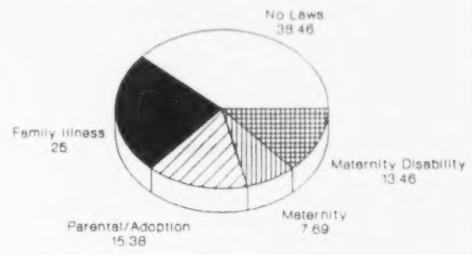
Table 3 shows the six jurisdictions that have temporary disability insurance laws, the employee and employer contributions and the amount of benefits. Coverage is generally very broad and includes private employers of one or more employees with few exceptions.

Figures 7 and 8 are graphical representations of the percentages of States and work force with leave laws. Figure 7 shows that 61% of the States have some form of leave laws, while Figure 8 indicates that over two-thirds of the work force is covered by these laws.

TABLE 3
TDI Laws by Jurisdiction

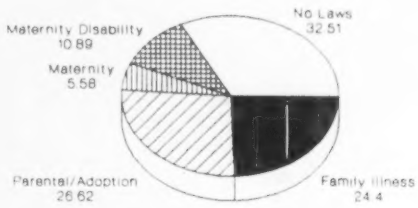
Jurisdiction	Employee/Employer Contributions	Amount of Benefits
CA	Employee = .9% of first $25,000 annual earnings. Employer = none.	Minimum = $50. Maximum = $266, based on schedule.
HI	Employee = 1/2 premium cost; max., $2.32/week. Employer = pays balance of costs.	55% of average weekly wage; max. set each year; $255 in 1990.
NJ	Employee = .5% of first $13,900; max., $69.50/yr. Employer = varies according to claims experience.	2/3 average weekly wage; max. $261.
NY	Employee = .5% of earnings; max., $ .60/wk. Employer =pays balance of costs.	50% of weekly wage; max. $170.
PR	Employee = .3% of first $9,000. Employer = same.	65% of average weekly wage; max., $113; min., $12.
RI	Employee = 1% of first $22,500.	60% of average weekly wage; max. by formula, plus dependent allowance.

Figure 7
Percent of States with Leave Laws



Private and State Employers

Figure 8
Percent of Work Force with Leave Laws



Laws affecting Private Employers, only.

The information in this fact sheet was obtained from State statutes. Some States may provide comparable leave by practice, policy, regulation or executive order, particularly for public employees. This information may be found in State personnel manuals.

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